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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,100	12/29/2000	Eric D. Fagerburg	10559/322001/P9683	8242
20985	7590	10/23/2006	EXAMINER	
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 10/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/752,100	Applicant(s) FAGERBURG ET AL.	
	Examiner Ramy M. Osman	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13, 15-28, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-28, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This communication is responsive to the amendment filed on August 10, 2006. No claims were amended. Claims 1-3, 5-13, 15-28, 31 and 32 are pending.

Response to Arguments

2. Applicant's arguments, filed 8/10/2006 in response to Non-Final Office Action mailed on 3/10/2005 have been respectfully considered and are not persuasive.
3. Applicant argues that DoubleVision fails to teach prompting a first user for permission for a second user to control the UNIX based machine.

In reply, the term "prompt" is broad language and is interpreted to be a window on a computer screen allowing a user to input a command(s) to cause an event. In this case, the prompt is a text prompt allowing the administrator to input commands into the ".dvsc" file in order to grant permission to a second user. The limitations are broad and are thus broadly interpreted.

4. Applicant argues that Muta does not teach "replicating current contents of a screen on the UNIX-based machine onto a new screen running in a background of the UNIX-based machine" because the screens are on different machines.

In reply, the fact that the screens are on different machines, is still within the scope of applicants claim language. The limitation "running in a background" is broad and vague. Something running in the background of the UNIX machine can simply be interpreted to be another machine in the background of the UNIX machine.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-3, 5-13, 15-28, 31 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over (DoubleVision 3.0 by Tridia) in view of Muta (US Patent No 6,286,003).**

7. In reference to claims 1, 11 and 21, DoubleVision 3.0 teaches a method, machine readable medium and a corresponding system comprising:

prompting a first user at a UNIX-based machine for permission for a second user at a machine remotely-located from the UNIX-based machine to control the UNIX-based machine; and if the first user grants permission, enabling the second user to use the first machine through the machine remotely-located from the UNIX-based machine
(see <http://www.officesoft.com/utilities/doublevision.html>, DoubleVision software is a remote control software for UNIX systems, where a remotely located UNIX computer can directly control another UNIX computer through a network. Double vision provides secure access where the user machine that is being controlled grants permission to the remote machine that is seeking access. Prompting the user for permission is inherently part of the secure access of DoubleVision).

DoubleVision fails to explicitly teach replicating current contents of a screen on the UNIX-based machine onto a new screen running in a background of the UNIX-based machine.

However, Muta teaches replicating current contents of a screen on the machine onto a new screen running in a background of the machine. (see Abstract, column 7 lines 10-67, column 10 line 30 – column 11 line 35, and Figures 8 & 19, Muta discloses rewriting a GUI screen on a slave server, where the slave server is remotely controlled by a master controller. The GUI screen is rewritten by a “window system” (Fig 8 #320) operating on the slave server, which is inherently running in the background. It is then output to the display).

It would have been obvious for one of ordinary skill in the art to modify DoubleVision by replicating current contents of a screen on the UNIX-based machine onto a new screen running in a background of the UNIX-based machine as per the teachings of Muta for the purpose of remotely controlling a server by a master controller located remotely from the server.

8. In reference to claims 2,12 and 23, DoubleVision teaches the method, machine readable medium and corresponding system of claims 1,11 and 21 respectively, in which the prompting comprises making the prompt known to the first user by displaying information on a display of the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>).

9. In reference to claims 3,13 and 22, DoubleVision teaches the method, machine readable medium and corresponding system of claims 1,11 and 21 respectively, in which the second user uses the UNIX-based machine through the machine remotely-located from the UNIX-based machine as if the second user was directly using the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>).

10. In reference to claims 7 and 17, DoubleVision teaches the method and machine readable medium of claims 1 and 11 respectively, in which the using of the UNIX-based machine includes issuing text commands to the UNIX-based machine from the machine remotely-located from the

UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>, DoubleVision is for UNIX character Terminals which are inherently text-based).

11. In reference to claims 8 and 18, DoubleVision teaches the method and machine readable medium of claims 1 and 11 respectively, further causing a machine to, if the first user does not grant permission, prevent the second user from using the UNIX-based machine through the machine remotely-located from the UNIX-based machine (see <http://www.officesoft.com/utilities/doublevision.html>, DoubleVision discloses preventing unauthorized remote controlling through a grant/deny feature).

12. In reference to claims 10 and 20, DoubleVision teaches the method and machine readable medium of claims 1 and 11 respectively, in which the prompting is text-based (see <http://www.officesoft.com/utilities/doublevision.html>, DoubleVision is for UNIX character Terminals which are inherently text-based).

13. In reference to claim 24, DoubleVision teaches the system of claim 21 in which the process is also configured to continuously run on the first device (see <http://www.officesoft.com/utilities/doublevision.html>, this is an inherent feature of the DoubleVision software).

14. In reference to claims 25,27 and 31, DoubleVision teaches a method and a machine implemented method comprising:

Inserting a prompt on a new screen to a user of a UNIX-based device to grant permission for a remote device at a location remote from the UNIX-based device to control the UNIX-based device. (see <http://www.officesoft.com/utilities/doublevision.html>, DoubleVision software is a remote control software for UNIX systems, where a remotely located UNIX

computer can directly control another UNIX computer through a network. Double vision provides secure access where the user machine that is being controlled grants permission to the remote machine that is seeking access. Prompting the user for permission is inherently part of the secure access of DoubleVision).

DoubleVision fails to explicitly teach replicating current contents of a screen visible to a user on a UNIX-based device onto a new screen not visible on the display screen to the user; replacing the current contents of the display screen with the new screen, the new screen visible to the user on the UNIX-based device. However, Muta teaches replicating current contents of a screen on the machine onto a new screen running in a background of the machine. (*see* Abstract, column 7 lines 10-67, column 10 line 30 – column 11 line 35, and Figures 8 & 19, Muta discloses rewriting a GUI screen on a slave server, where the slave server is remotely controlled by a master controller. The GUI screen is rewritten by a “window system” (Fig 8 #320) operating on the slave server, which is inherently running in the background. It is then output to the display).

It would have been obvious for one of ordinary skill in the art to modify DoubleVision by replicating current contents of a screen on the UNIX-based machine onto a new screen running in a background of the UNIX-based machine as per the teachings of Muta for the purpose of remotely controlling a server by a master controller located remotely from the server.

15. In reference to claim 28, DoubleVision teaches the method of claim 27 further comprising determining if the second user may control the UNIX-based machine based on a response to the text prompt by the first user (see

<http://www.officesoft.com/utilities/doublevision.html>).

16. Claims 9 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over (DoubleVision 3.0 by Tridia) in view of Muta (US Patent No 6,286,003) in further view of Edwards (US Patent No. 6,594,686).

DoubleVision teaches the method and machine readable medium of claims 1 and 11 respectively. DoubleVision does not explicitly teach if the first user at the UNIX-based machine does not respond to the prompting within a certain threshold time, enable by default the second user to use the UNIX-based. However, Edwards teaches software which takes default action if a user response is not received within a certain time (column 3 and column 8 lines 25-40).

It would have been obvious for one of ordinary skill in the art to modify DoubleVision by making a default action occur if a user does not respond within a certain time as per the teachings of Edwards so that UNIX systems can be controlled remotely over a network/Internet if there is no user attending the UNIX system.

Allowable Subject Matter

17. After reconsidering the claims, applicants arguments, and the applied and cited references, the Examiner indicates the following allowable features of dependent claims if rewritten into all independent claims:

18. Claims 5,6 and 15,16 objected to as being dependent upon a rejected base claim (claims 1 and 11 respectively), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Examiner further conditions the

allowability of the claims upon inclusion of limitations that mention switching back to the original "current content" after the first user responds to the prompt (as explained below).

19. Claims 26 and 32 objected to as being dependent upon a rejected base claim (claims 25 and 31 respectively), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. *The following is a statement of reasons for the indication of allowable subject matter for these claims:* The dependent claims rewritten into the independent claims would distinctly characterize the invention as a UNIX device switching from a currently active console (or display) to a temporary virtual console and then back to the original "currently active console". The virtual console is a replication of the current active console, it is running in the background (not visible to the user), and it contains a prompt for allowing a remote device to control the UNIX device. These combined features are not found in the prior art of record.

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
October 13, 2006


ABDULRHMAN SALAD
PRIMARY EXAMINER